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5 Attorneys for Plaintiff, LITTLE WHITE DOVE,
6 LLC

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ALASKA**

9 IN THE MATTER OF THE COMPLAINT OF
10 LITTLE WHITE DOVE, LLC, an Alaska
Limited Liability Company, Owner of the F/V
11 LITTLE WHITE DOVE, Official No. 607001,
for exoneration from or limitation of liability,

12 Plaintiff.

IN ADMIRALITY

Case No. 3:05-CV-0067-JWS

13
14 **OPPOSITION TO MOTION TO STAY PROCEEDING**
15 **AND CROSS MOTION TO EXTEND DISCOVERY**

16 Petitioner opposes the request to stay this entire limitation proceeding during an interim
17 interlocutory appeal to the 9th Circuit. Regardless of the appeal, or its outcome, the limitation
18 action will ultimately need to be heard and decided by this court. Both counsel were recently
19 informed by the 9th Circuit mediator to expect a two year waiting period for either oral
20 argument or be heard on the appeal. The only question on appeal is whether the State Court
21 and Federal Court actions should proceed at the same time, or whether Court's order of
22 injunction on the state case was proper during hearing of the limitation. Either way, this Court
23 will hear the limitation action. There is no benefit to either party to force the decedent's estate,

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his young child, or the Petitioner to wait, at a minimum, another two years before this matter can be heard, merely for the benefit of learning whether the state court action will proceed at the same time. There is simply no reason to prolong this proceeding for another two years, when the matter will proceed before this Court regardless of the ultimate conclusion on appeal. Petitioner requests that the motion for stay of discovery be denied.

It appears the parties mistakenly believed discovery was stayed already due to the filing of the appeal, until the Court's recent discovery order was received. Petitioner apologizes for this confusion, and did not realize until the Order that an interlocutory appeal was at issue. After the appearance of new counsel for the claimants, extensions of discovery were discussed, however, the motion to proceed in State Court and subsequent appeal were filed. The parties have not yet completed discovery which will require deposition travel and proceedings to occur in Cold Bay, Alaska and Sand Point, Alaska. Petitioner respectfully requests 60 days to complete depositions until November 15, 2006, and expects hearing of the limitation could occur shortly thereafter.

DATED this _____ day of September 2006 at Anchorage, Alaska.

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Attorneys for Plaintiff, Little White Dove,
LLC

CERTIFICATE OF SERVICE

Pursuant to Civil Rule 5, I hereby certify that on this
11th day of September 2006, I caused a true and correct copy
of the Opposition to Motion to Stay Proceeding and Cross
Motion to Extend Discovery to be served electronically on the
following person(s):

Charles W. Ray, Jr., Esq.
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By: s/Cheryl L. Graves